

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, July 1, 2003

9:00 A.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Parra
ROLL CALL: All Present

SALUTE TO FLAG - Led by Supervisor Patrick

NOTE: The vote is displayed in bold below each item. For example, Patrick-Parra denotes Supervisor Patrick made the motion and Supervisor Parra seconded the motion.

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH AN ASTERISK (*) OR A NUMBER SIGN (#) WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming July 2003 as Hemochromatosis Screening Awareness Month in Kern County - PROCLAIMED; MADE PRESENTATION TO TOM CURRAN; TOM CURRAN AND DR. B. A. JINADU, DIRECTOR, PUBLIC HEALTH SERVICES, HEARD

Patrick-Watson: All Ayes

- 2) Certificate of Recognition honoring and commending the Bakersfield Young Marines for providing more than 12,000 community service hours - MADE PRESENTATION TO JOHN BACON, COMMANDER OF BAKERSFIELD YOUNG MARINES; JOHN BACON AND CHARLES BIKAKIS, VETERANS SERVICE OFFICER, HEARD; PAM SCHULL RECOGNIZED AND YOUNG MARINES INTRODUCED

- *3) Proclamation proclaiming July 17, 2003 as Bill Pickett Invitational Rodeo Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

McQuiston-Patrick: All Ayes

- *4) Proclamation proclaiming July 19, 2003 as Pioneer Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

McQuiston-Patrick: All Ayes

NOTE: Item 44A heard out of order before Item 5.

PUBLIC REQUESTS

- 5) Request of Stephen L. Sanders, Executive Director, Kern County Network for Children, to address the Board regarding activities of the Kern County Network for Children and the recently released Report Card: 2003 - STEVE SANDERS, EXECUTIVE DIRECTOR, KERN COUNTY NETWORK FOR CHILDREN, HEARD AND MADE PRESENTATION TO SUPERVISOR BARBARA PATRICK IN APPRECIATION OF HER WORK WITH THE KERN COUNTY NETWORK FOR CHILDREN; BARBARA PATRICK HEARD; RECEIVED AND FILED REPORT

McQuiston-Maben: All Ayes

APPOINTMENTS

- *6) Appointment of Joy Irene Rose as a Fourth District Discretionary Member to the Local Child Care and Development Planning Council, term to expire June 30, 2006 - MADE APPOINTMENT

McQuiston-Patrick: All Ayes

- *7) Reappointment of Wilfred A. "Hezzy" Brown as Fourth District Member to the Commission on Aging, term to expire June 17, 2004 - MADE REAPPOINTMENT

McQuiston-Patrick: All Ayes

- *8) Fourth District Member Appointments to the Water Resources Committee of Todd Blake Tracey, term to expire December 31, 2004 and William D. Phillimore, term to expire December 31, 2006 - MADE APPOINTMENTS

McQuiston-Patrick: All Ayes

PUBLIC PRESENTATIONS

- 9) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU! - NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 10) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR WATSON DISCUSSED THE BENEFITS OF THE NEW AIRPORT TERMINAL IN TERMS OF ECONOMIC DEVELOPMENT, ATTRACTING MAJOR AIRLINES, AND IMPROVING TRAVEL. HE EXPRESSED APPRECIATION TO RAY BISHOP, DIRECTOR OF AIRPORTS, FOR HIS EFFORTS; RAY BISHOP DISCUSSED THE COMPLEX FUNDING THAT WENT INTO THIS PROJECT AND THANKED THE BOARD AND STAFF FOR THEIR SUPPORT

(Continued on page 3)

(Continued from page 2)

SUPERVISOR PATRICK DISCUSSED HOW HIGHLY REGARDED RAY BISHOP IS IN WASHINGTON, D.C., AND AT THE FEDERAL AVIATION ADMINISTRATION AND WHAT AN ASSET HE IS TO OUR COMMUNITY

SUPERVISOR WATSON DISCUSSED THE FIRE FIGHTING EFFORTS IN THE LAKE ISABELLA AND LEBEC AREAS OVER THE WEEKEND, THE LEVEL OF COOPERATION BETWEEN NUMEROUS AGENCIES STATEWIDE, AND THE STATE AND FEDERAL FUNDING TO PAY FOR THE EXPENSES FOR FIGHTING THESE FIRES. HE ALSO COMPLIMENTED FIRE CHIEF STEVE GAGE FOR MAINTAINING A GOOD RELATIONSHIP WITH OTHER AGENCIES AND FOR APPLYING FOR FEMA FUNDS TO HELP COVER COSTS

SUPERVISOR PARRA COMPLIMENTED FIRE CHIEF GAGE AND ALL WHO COLLABORATED IN THIS EFFORT

SUPERVISOR McQUISTON COMMENDED FIRE CHIEF GAGE AND HIS STAFF FOR THEIR FIREFIGHTING EFFORTS AS WELL AS THEIR ABILITY TO KEEP HIM INFORMED OF THEIR PROGRESS

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- *11) Proposed Amendment No. 1 to Agreement 686-2002 with California Department of Aging (FY 2002-04 State Agreement FC-0204-33) to provide funding for services to assist caregivers of the elderly and grandparents raising grandchildren, from July 1, 2002 through June 30, 2004, in an amount not to exceed \$512,778 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 597-2003

McQuiston-Patrick: All Ayes

- *12) Proposed Amendment No. 2 to Agreement 453-2002 with California Department of Aging (FY 2002-04 State Agreement FY 0203-33) to provide funding for services for nutrition, ombudsman, in-home services, supportive services, disease prevention and elder abuse prevention, from July 1, 2002 through June 30, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 598-2003; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ADJUST SERVICE PROVIDER CONTRACT ENCUMBRANCES

McQuiston-Patrick: All Ayes

- *13) Proposed addition of four (4) positions to the Aging and Adult Services Department Ridgecrest Nutrition Program: one (1) Senior Nutrition Program Coordinator; two (2) Senior Nutrition Site Supervisors; and one (1) Senior Home Delivery Driver, effective July 1, 2003 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

McQuiston-Patrick: All Ayes

- *14) Proposed Area Agency on Aging Area Plan Update, Fiscal Year 2003-2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER OF TRANSMITTAL; AUTHORIZED DIRECTOR OF AGING AND ADULT SERVICES TO SIGN THE AREA PLAN BUDGET

McQuiston-Patrick: All Ayes

AGRICULTURE AND MEASUREMENT STANDARDS

Hearing

- 15) Proposed Resolution revising Department of Agriculture and Measurement Standards' Schedule of Fees relating to cantaloupe inspection container fee and mileage rate - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT THIS PROJECT IS EXEMPT UNDER PUBLIC RESOURCES CODE SECTION 21080(b)(8); APPROVED; ADOPTED RESOLUTION 2003-281

Maben-McQuiston: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

Debt Advisory Committee

S.D. #5

- *16) Request from East Niles Community Services District for Authorization to form Assessment District 8 (Weedpatch Highway Water System Project) and issue bonds - APPROVED; ADOPTED RESOLUTION 2003-282 GRANTING CONSENT OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN TO UNDERTAKE PROCEEDINGS FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AND TO PROVIDE THAT THE COST SHALL BE ASSESSED UPON THE DISTRICT BENEFITED UNDER APPROPRIATE SPECIAL ASSESSMENT AND ASSESSMENT BOND ACTS AND DIRECTED THE CLERK TO DISTRIBUTE COPIES OF THE RESOLUTION

McQuiston-Patrick: All Ayes

COUNTY COUNSEL

Hearing

- 17) Request from the Cawelo Water District for the establishment of divisions for the election of directors - ROBERT HARTSOCK, ATTORNEY FOR CAWELo WATER DISTRICT, HEARD; OPENED HEARING; NO ONE HEARD; CONTINUED HEARING TO TUESDAY, JULY 22, 2003, AT 9:00 A.M. FOR FINAL CONSIDERATION AND ACTION BY THE BOARD

Maben-Patrick: All Ayes

- 18) Items recommended by the Kern County Local Campaign Finance Hearing Panel - REFERRED BACK TO KERN COUNTY LOCAL CAMPAIGN FINANCE HEARING PANEL AND COUNTY COUNSEL

Watson-Maben: All Ayes

- *19) Request from Rosedale-Rio Bravo Water Storage District for appointment of Directors for Divisions 1, 4 and 5, pursuant to Water Code Section 41307 - ADOPTED RESOLUTION 2003-283 ORDERING APPOINTMENT OF KEITH GARDINER AS DIRECTOR FOR DIVISION 1, WES SELVIDGE AS DIRECTOR FOR DIVISION 4, AND ROY PIERUCCI AS DIRECTOR FOR DIVISION 5

McQuiston-Patrick: All Ayes

- *20) Resolution authorizing the issuance and sale of Linns Valley-Poso Flat Union Elementary School District General Obligation Bonds, Election of 2002, Series 2003 in the aggregate principal amount not to exceed \$340,000 - ADOPTED RESOLUTION 2003-284

McQuiston-Patrick: All Ayes

- *21) Proposed Urgency Ordinance imposing a moratorium on permittee rate changes and the processing of initial permit applications in the County EMS system, except the area within the jurisdiction of the City of Bakersfield, until October 1, 2003 - ADOPTED RESOLUTION 2003-285; WAIVED READING AND ENACTED ORDINANCE G-7023

McQuiston-Patrick: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *22) Proposed Amendment No. 1 to Agreement 1158-2002 with La Cooperativa Campesina de California for the Migrant and Seasonal Farmworker Youth Program extending the term through September 30, 2003 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 599-2003

McQuiston-Patrick: All Ayes

FIRE DEPARTMENT

- *23) Request for approval of intent to donate surplus fire vehicle to Hoffman Hospice - APPROVED; DIRECTED COUNTY COUNSEL TO PREPARE NOTICE OF INTENT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

McQuiston-Patrick: All Ayes

HUMAN SERVICES

- *24) Proposed Amendment No. 1 to Agreement 586-2002 with Kern County Superintendent of Schools Offices' Community Connection for Child Care for Stage 1 Child Care Payment Services, extending term to September 30, 2003, in an amount not to exceed \$24,505,899, an increase of \$4,570,618 (no Net County cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 600-2003

McQuiston-Patrick: All Ayes

- *25) Proposed Agreement with the Kern County Superintendent of Schools Office, as Administrative Agent for the Kern County Child and Family Services Agency, for oversight and monitoring of child abuse, prevention, intervention and treatment program funding, from July 1, 2003 to June 30, 2004, in an amount not to exceed \$416,420 (State/Federal; no Net County cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 601-2003

McQuiston-Patrick: All Ayes

KERN MEDICAL CENTER

- 26) Proposed retroactive Agreement with Marvin O. Kolb, M.D., to serve as Chief Medical Officer at KMC, from October 18, 2002 through October 17, 2005, in an amount not to exceed \$690,000 (prior notification October 22, 2002) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 602-2003

Watson-McQuiston: All Ayes

- 27) Proposed Agreement with Paul F. Westover to serve as Executive Director for the KMC Faculty Practice, from July 2, 2003 through July 1, 2004, in an amount not to exceed \$134,200 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 603-2003

Watson-Patrick: All Ayes

- *28) Proposed authorization to obtain specified outside medical and related supplies and professional services, in an amount not to exceed \$3.25 million, Fiscal Year 2003-2004 - AUTHORIZED CHIEF EXECUTIVE OFFICER OF KERN MEDICAL CENTER TO SECURE SPECIFIED SUPPLIES AND SERVICES; AUTHORIZED PAYMENT FOR FISCAL YEAR 2003-2004

McQuiston-Patrick: All Ayes

- *29) Proposed Agreement with Idea Consulting Group, Inc., for support, training, and consulting for KMC's Decision Support System, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$58,570 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 604-2003

McQuiston-Patrick: All Ayes

- *30) Proposed Agreement with J&C Nationwide for interim physician assignments in Departments of Surgery, Radiology and Psychiatry, from July 1, 2003 through June 30, 2005, in an amount not to exceed \$500,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 605-2003

McQuiston-Patrick: All Ayes

- *31) Proposed Amendment No. 2 to Agreement 778-2002 with Thomas B. Purcell, M.D., to provide physician services in Department of Emergency Medicine, removing responsibility of residency program director and decreasing maximum payable from \$716,840 to \$666,840 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 606-2003

McQuiston-Patrick: All Ayes

- *32) Proposed Amendment No. 1 to Agreement 777-2002 with Rick McPheeters, D.O., to provide physician services in Department of Emergency Medicine, adding appointment as residency program director and increasing maximum payable from \$545,595 to \$595,595 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 607-2003

McQuiston-Patrick: All Ayes

- *33) Proposed Agreement with John L. Ngoi to provide services as Associate Director of Medical Education, from July 9, 2003 through July 8, 2006, in an amount not to exceed \$346,500 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 608-2003

McQuiston-Patrick: All Ayes

MENTAL HEALTH SERVICES

- *34) Proposed Agreement with the Division of Special Education - Kern County Superintendent of Schools, to provide shared-cost funding for the Aurora School site facilitator, for Fiscal Year 2003-2004, in an amount not to exceed \$19,478 (State [Realignment]; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 609-2003

McQuiston-Patrick: All Ayes

PROBATION

- *35) Proposed Agreement with Standard School District for truancy prevention services, from September 1, 2003 to June 30, 2004, in an amount not to exceed \$50,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 610-2003

McQuiston-Patrick: All Ayes

- *36) Proposed Agreement with Kern County Superintendent of Schools for High Risk Youth Education and Public Safety Program, under SB 1095, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$227,211 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 611-2003

McQuiston-Patrick: All Ayes

- *37) Request authorization to submit application to Office of Criminal Justice Planning (OCJP) for Victim Witness Special Emphasis Program grant funding - APPROVED; AUTHORIZED CHIEF PROBATION OFFICER TO EXECUTE REQUIRED APPLICATION

McQuiston-Patrick: All Ayes

PUBLIC HEALTH SERVICES

- *38) Proposed Agreement with Edison Elementary School District for Medi-Cal Administrative Activities, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$30,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 612-2003

McQuiston-Patrick: All Ayes

- *39) Proposed Agreement with North Bakersfield Recreation and Park District for Medi-Cal Administrative Activities, from July 1, 2003 through June 30, 2004 in an amount not to exceed \$20,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 613-2003

McQuiston-Patrick: All Ayes

- *40) Proposed Agreement with Kern Around the Clock Foundation for Targeted Case Management Services, from July 1, 2003 through June 30, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 614-2003

McQuiston-Patrick: All Ayes

- *41) Proposed Agreement with Catholic Charities of the Diocese of Fresno for AIDS Nursing Case Management Program bookkeeping services for housing opportunities for persons with AIDS funds, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$27,354 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 615-2003

McQuiston-Patrick: All Ayes

- *42) Proposed Agreement with Catholic Charities of the Diocese of Fresno for HIV/AIDS Early Intervention Project bookkeeping services for housing opportunities for persons with AIDS funds, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$50,832 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 616-2003

McQuiston-Patrick: All Ayes

- *43) Proposed Agreement with Clinica Sierra Vista, Inc., for Targeted Case Management services, from July 1, 2003 through June 30, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 617-2003

McQuiston-Patrick: All Ayes

- *44) Proposed Agreement with Interim Healthcare for professional services for housing opportunities for person with AIDS funds, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$13,822 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 618-2003

McQuiston-Patrick: All Ayes

NOTE: Item 44A heard out of order before Item 5.

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM NO. 44A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER AGENDA WAS POSTED BECAUSE OF THE EXPIRATION OF THE AGREEMENT, ON JUNE 30, 2003, BETWEEN THE CITY OF BAKERSFIELD AND THE BAKERSFIELD SPCA WILL CREATE A HEALTH AND SAFETY ISSUE AS ABANDONED AND DISEASED ANIMALS WILL NOT HAVE PROPER DISPOSITION THROUGH SHELTERING AND HUMAN HANDLING, AND COUNTY STAFF WAS NOTIFIED ON THURSDAY, JUNE 26, 2003 THAT THE PROPOSED ACTION WAS NECESSARY

McQuiston-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Environmental Health

- 44A) Proposed Agreement with the City of Bakersfield for animal care services, from July 1, 2003 to September 30, 2003, for a flat fee of \$2,000 per month and incidental costs - ALAN TANDY, CITY MANAGER, CITY OF BAKERSFIELD, HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 619-2003

Watson-Patrick: All Ayes

SHERIFF

- *45) Proposed Agreement with State of California, Commission on Peace Officer Standards and Training, for equipment related to Test Management and Assessment System, from July 1, 2003 through June 30, 2006 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 620-2003 IN SUBSTANTIALLY THE FORM SUBMITTED, SUBJECT TO APPROVAL AS TO FINAL FORM BY COUNTY COUNSEL

McQuiston-Patrick: All Ayes

- *46) Proposed Amendment No. 1 to Agreement 089-2002 with Inland Eye and Tissue Bank for morgue facility use, to change name of the contractor to OneLegacy - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 621-2003

McQuiston-Patrick: All Ayes

- *47) Proposed Resolution and authorization regarding acceptance of grant funding from the State of California, Department of Alcohol Beverage Control for the purpose of reducing alcohol related crime in Kern County, in the amount of \$99,699 - ADOPTED RESOLUTION 2003-286; AUTHORIZED SHERIFF TO EXECUTE GRANT AWARD AGREEMENT

McQuiston-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Maben

CLOSED SESSIONS

COUNTY COUNSEL

- 48) Request for Closed Session regarding Gwendolyn Coe vs. County of Kern and Ralph A. Moore, Kern County Superior Court Case No. 249341-SPC (Government Code Section 54956.9(a) -
- 49) Request for Closed Session regarding significant exposure to litigation against the County (three cases) (Government Code Section 54956.9(b)(3)(C) -

(If public reporting is required by Government Code Section 54957.1 relating to the above matters, the public reporting of any action taken in closed session will be made at the beginning of the 2:00 p.m. session of the Board of Supervisors.)

RECONVENED FROM CLOSED SESSION; RECESSED TO 2:00 P.M.

Maben-Patrick

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Pete H. Parra
Chairman, Board of Supervisors

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ROLL CALL: All Present

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH AN ASTERISK (*) OR A NUMBER SIGN (#) WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

- 1) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU! - NO ONE HEARD**

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - **NO ONE HEARD**

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *3) **Request from Pandol and Sons by Delmarter and Deifel to cancel a 3.43-acre farm residence portion of an approximate 160-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 16.57 acres located at the south side of Garces Highway, approximately one mile east of Famoso-Porterville Highway, east of Delano (S.D. #1)**

Specific Request:

Cancellation of a 3.43-acre portion of an approximate 160-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 16.57 acres (Cancellation #03-2; Map #10)

(General Rule, Section 15061(b)(3); Published Delano Record) (from 6/17/2003) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2003-287 APPROVING CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE; DIRECTED CLERK OF THE BOARD TO RECORD CONTRACT AMENDING LAND USE CONTRACT; DIRECTED CLERK OF THE BOARD TO ISSUE A TENTATIVE CERTIFICATE OF CANCELLATION AND ISSUE A CERTIFICATE OF CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE AND COMPLIANCE WITH ALL OTHER CONDITIONS CONTAINED IN THE TENTATIVE CERTIFICATE OF CANCELLATION

Maben-Patrick: All Ayes

- *4) **Request from Sam and Diane Ghilarducci by Delmarter and Deifel to cancel a 1.03-acre farm residence portion of an approximate 80-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 38.87 gross acres located at the northwest corner of Fresno Avenue and Wasco Avenue, northwest of Shafter (S.D. #4)**

Specific Request:

Cancellation of a 1.03-acre portion of an approximate 80-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 38.87 gross acres (Cancellation #03-1; Map #78)

(General Rule, Section 15061(b)(3); Published Shafter Press) (from 6/17/2003) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2003-288 APPROVING CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE; DIRECTED CLERK OF THE BOARD TO RECORD CONTRACT AMENDING LAND USE CONTRACT; DIRECTED CLERK OF THE BOARD TO ISSUE A TENTATIVE CERTIFICATE OF CANCELLATION AND ISSUE A CERTIFICATE OF CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE AND COMPLIANCE WITH ALL OTHER CONDITIONS CONTAINED IN THE TENTATIVE CERTIFICATE OF CANCELLATION

Maben-Patrick: All Ayes

HEARING

RESOURCE MANAGEMENT AGENCY
Planning Department

- *5) Request from Marton and Jayne Lightner to change the permitted use from mobile home park to one-acre minimum lot size residential with large animals on 1.33 acres on property located on the east side of Sierra Way, approximately one mile south of the community of Kernville (S.D. #1)

Specific Request:

A change in zone classification from MP and CH to E (1) RS or a more restrictive district (ZCC #12, Map #17-22) (Categorically Exempt, Section 15303; Published Kern Valley Sun) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2003-289 AND ENACTED ORDINANCE G-7024 APPROVING ZONE CHANGE AS REQUESTED

Maben-Patrick: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Land Use

S.D. #1

- *6) Notice of Nonrenewal Petition No. 03-07 of Albert F. Darling, by Porter-Robertson Engineering and Surveying, for 84.20 acres within Agricultural Preserve No. 14 - DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

- *7) Notice of Nonrenewal Petition No. 03-10 of Pandol and Sons, by Delmarter and Deifel, for 14.60 acres within Agricultural Preserve No. 7 - DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

S.D. #4

- *8) Notice of Nonrenewal Petition 03-11 of Sam and Diane Ghilarducci, by Delmarter and Deifel, for 1.19 acres within Agricultural Preserve No. 8 - DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

All S.D.'s

- 9) Request to select Truxtun Avenue as preferred location for Metropolitan Bakersfield High-Speed Rail Terminal - PETER MARTIN, WILBUR SMITH ASSOCIATES; HERMAN RUDDELL; ROY WEYGAND, PRESIDENT OF KERN COUNTY TAXPAYERS ASSOCIATION; DAVE CROSS, ARCHITECT; GRAHAM KAYE-EDDIE; AND DENNIS FOX, HEARD; APPROVED; ADOPTED RESOLUTION 2003-290; AUTHORIZED CHAIRMAN TO SIGN APPROPRIATE CORRESPONDENCE; REFERRED TO RESOURCE MANAGEMENT AGENCY TO REPORT BACK TO THE BOARD REGARDING THE MAINTENANCE FACILITY; MAYOR HARVEY HALL, CITY OF BAKERSFIELD, HEARD; RECEIVED AND FILED DOCUMENT

Maben-Watson: All Ayes

- *10) Proposed Resolution endorsing San Joaquin Valley Water Reliability Program and water appropriation language as proposed by the San Joaquin Valley Water Coalition - APPROVED; ADOPTED RESOLUTION 2003-291

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

S.D. #1

- *11) Proposed Request for Release of Funds (RROF) for Community Development Block Grant Activities No. 28.00.1 and No. 28.03.2, Lake Isabella Boulevard Landscape Improvements - APPROVED; AUTHORIZED CHAIRMAN TO SIGN RROF AND CERTIFICATION; AUTHORIZED DIRECTOR TO SUBMIT TO HUD

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearings

S.D. #3

- *12) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 504 Lincoln Avenue, Bakersfield, APN 113-092-14, \$1,870 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-292 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

Maben-Patrick: All Ayes

S.D. #4

- *13) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 403 Elk Street, Tupman, APN 159-240-10, \$1,670 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-293 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

Maben-Patrick: All Ayes

S.D. #5

- *14) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 1623 Jefferson Street, Bakersfield, APN 128-160-20, \$1,231.25 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-294 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

Maben-Patrick: All Ayes

- *15) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 1624 Pacific Street, Bakersfield, APN 138-060-10, \$745 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-295 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

Maben-Patrick: All Ayes

S.D. #3

- *16) Contract No. 03005, Change Order No. 1, for construction of North Beardsley Street Improvements-Phase IV, an increase of \$7,535.16, for a new total of \$200,090.16 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

S.D. #4

- *17) Proposed Easement and Quitclaim Deed granting new easement through County Sump to Chevron Pipe Line Company and Chevron USA, Inc., and quitclaim of existing easement back to County - APPROVED; ACCEPTED EASEMENT AND QUITCLAIM DEED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

- *18) Contract No. 03019, identify apparent low bid of Sierra Cascade Construction for construction of Frazier Park Drain-Phase VII, in an amount not to exceed \$61,119.38 - IDENTIFIED LOW BID; AUTHORIZED ROADS TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE NECESSARY CONTRACT DOCUMENTS

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #2

- *19) Proposed Contract No. 03013 with Elam Woods Construction Co., Inc., for bridge repair on Bena Road, Bridge Nos. 50C0044 and 50C0045, in an amount not to exceed \$64,167 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 622-2003

Maben-Patrick: All Ayes

S.D. #3

- *20) Proposed Contract No. 03027 with Granite Construction Company for asphalt concrete overlay on Olive Drive area streets, in an amount not to exceed \$496,690 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 623-2003

Maben-Patrick: All Ayes

All S.D.'s

- *21) Proposed Amendment No. 1 to California Department of Transportation (Caltrans) Contracts No. 640210 and No. 640211, for extension of time to purchase two (2) compressed natural gas (CNG) buses and expansion of CNG fueling station in Tehachapi - APPROVED; AUTHORIZED DIRECTOR TO SIGN

Maben-Patrick: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *22) Proposed Agreement with City of Bakersfield for Green and Wood Waste Diversion program at the Mt. Vernon facility from July 1, 2003, to June 30, 2005, in an amount not to exceed \$2,350,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 624-2003

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *23) Proposed allocation of Delano State Prison Mitigation Funds for Browning Road improvement project, in the amount of \$450,000 - APPROVED; AUTHORIZED ROADS TO ACT AS LEAD AGENCY

Maben-Patrick: All Ayes

- *24) Proposed response to Grand Jury Final Report on Child Protective Services - APPROVED; AUTHORIZED CHAIRMAN TO SIGN APPROPRIATE CORRESPONDENCE

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *25) Proposed License Agreement with City of Ridgecrest for portion of Leroy Jackson Park for development, operation and maintenance of BMX bicycle motocross course (no consideration) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15304; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 625-2003

Maben-Patrick: All Ayes

- *26) Change Order No. 4 for Probation Department's new Juvenile Treatment Facility, an increase of \$46,668.96, for a new total of \$16,689,547.44. (1960.8166) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *27) Request for subcontractor substitution for remodel at Ridgecrest Homemaker Adult Daycare Facility (8920.17012) - FOUND THAT ENERGY TEK FAILED TO PERFORM; APPROVED SUBSTITUTION OF MAGNUM ENTERPRISES, INC., TO COMPLETE THE CONCRETE PORTION OF THE PROJECT

Maben-Patrick: All Ayes

- *28) Proposed Amendment No. 1 to Agreement 164-2003 with Noresco, Inc., for energy-related improvements at Lerdo Detention Facility to provide for additional work and a modification of payment milestone, an increase of \$68,977, for a new total not to exceed \$3,704,479 (from 6/24/2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 626-2003

Maben-Patrick: All Ayes

S.D. #3

- *29) Proposed Consent to Assignment of Lease of two-acre site located on Olive Drive and Victor Street from Kyle Carter Homes to McMillin South San Lauren, LLC, a Delaware limited liability company - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *30) Proposed Lease Agreement with Northwest Bakersfield Baseball for portion of Metropolitan Recreation Center, 3805 Chester Avenue, Bakersfield, through December 31, 2008 (\$6,100 per year) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 627-2003

Maben-Patrick: All Ayes

- *31) Change Order No. 2 for the Transit Facility Office Building, an increase of \$201.25, for a new total of \$291,273.25 (3000.7156) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

S.D. #5

- *32) Change Order No. 1 for the reroof at the Mary K. Shell Mental Health Facility, an increase of \$16,211, for a new total of \$230,701 (4120.7001) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

All S.D.'s

- *33) Request to extend the authority for Temporary Employment Status of Graffiti Program Administrator until December 30, 2005 - APPROVED

Maben-Patrick: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *34) Budget Transfers for closing Fiscal Year 2002-2003 - APPROVED NO. 288 THROUGH NO. 324

Maben-Patrick: All Ayes

- *35) Minutes for week of June 2, 2003 - APPROVED

Maben-Patrick: All Ayes

- *36) Miscellaneous Letters and Documents - FILED

Maben-Patrick: All Ayes

- *37) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED

Maben-Patrick: All Ayes

- *38) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

Maben-Patrick: All Ayes

ADJOURNED TO TUESDAY, JULY 22, 2003, AT 9:00 A.M.

Patrick-

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Pete H. Parra
Chairman, Board of Supervisors

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54953.2)**

The Board of Supervisors Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Board of Supervisors may request assistance at the Clerk of the Board of Supervisors, Fifth Floor, 1115 Truxtun Avenue, Bakersfield, California or by calling (661) 868-3585. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

36) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Airports

- A) Letter re Marton and Jayne Lightner's request for Zone Change, Case No. 12 (Copy to Planning)

Clerk of the Board

- B) Received, certified and forwarded to Recorder for Recordation as follows:

- | | |
|----------------------------|---------|
| 1) Tract Map 5518, Phase 2 | S.D. #1 |
| 2) Tract Map 5829, Unit 4 | S.D. #1 |
| 3) Tract Map 6019, Phase 1 | S.D. #3 |
| 4) Tract Map 6056, Phase 4 | S.D. #3 |
| 5) Parcel Map No. 10313 | S.D. #4 |

Employers' Training Resource

- C) OJT Agreements:

- 1) Berchtold Equipment Company, WIA Title 201, dated April 30, 2003
- 2) HPS Mechanical, Inc., WIA Title 201, dated April 28, 2003
- 3) S. L. P. dba School Lunch Products, Inc., WIA Title 501/543, dated June 11, 2003
- 4) Stier's Leisure Vehicles, Inc., WIA Title 501/543, dated June 9, 2003

Local Agency Formation Commission

- D) Report and Recommendation, Proceeding No. 1352, in the matter of City of Bakersfield, Annexation 438 (Springdale No. 1-Allen No. 7)/NOR Sanitary District No. 1, Annexation 57 Reorganization
- E) Agenda of meeting on Tuesday, June 24, 2003
- F) Minutes of meeting on Tuesday, April 22, 2003

Roads

- G) Consent to Recordation re Irrevocable Offer of Dedication from Fairfax School District for additional Right-of-Way for Fairfax Road and Shirley Lane, County Road No. 3929

Miscellaneous

- H) Letter from Tom Burke, State Department of Mental Health, re Medi-Cal Oversight review of Provider No. 1563 (Bakersfield), No. 1572 (Wasco) and 15AM (Taft) for period of January through June, 2002 (Copies to each Supervisor, CAO and County Counsel)
- I) Letter from Marilyn L. Mettler, Antelope Valley-East Kern Water Agency, re Resolution R-03-06 determining, certifying and directing 2003-2004 tax levies in Los Angeles, Kern and Ventura Counties (Copies to County Counsel, Auditor-Controller-County Clerk and Treasurer-Tax Collector)

- J) Letter from Thomas A. Kuekes, U.S. Department of Agriculture, Forest Service, re Mount Pinos Ranger District's proposed construction of re-route of Frazier Mt. Mine road off highway vehicle (OHV) Route No. 118 (Copies to each Supervisor, CAO and Planning)
- K) Six (6) letters in opposition to increase in Universal Collection fees in Metropolitan Bakersfield (Copies to each Supervisor, CAO, County Counsel and Waste Management)
- L) Two (2) letters in opposition to Universal Collection fees in east Kern
- M) Notice of intent to adopt a negative declaration from City of California City Redevelopment Agency re Third Amendment to the Amended Redevelopment Plan for the California City Redevelopment Project Area (Copies to CAO, County Counsel, Treasurer-Tax Collector and Assessor)
- 37) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Robert W. Hartsock, Law Offices of McMurtrey, Hartsock & Worth, re Cawelo Water District Resolution 563 requesting the establishment of divisions within the District - REFERRED TO COUNTY COUNSEL
- 38) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Joanne Wilhite vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Robert Ryan vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Pacific Bell vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of David Bonilla vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Evan Henderson, a Minor, by and through Sheri Henderson, his parent and natural guardian vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Claim in the matter of Eran Henderson, a Minor, by and through Sheri Henderson, his parent and natural guardian vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - G) Claim in the matter of Sheri Henderson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - H) Claim in the matter of Rodney Henderson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- I) Summons and complaint in the matter of Marian Mesa and Emily Smith vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Notice of Discrimination Complaint in the matter of Linda Joyce Tomlin vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)
- K) Notice of Discrimination Complaint case number change in the matter of Debbie Salazar vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)